

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**ALEX WRIGHT**, both on behalf of himself individually and, in addition, on behalf of the other similarly situated employees,

Case No. 3:20-cv-00469-SB

OPINION AND ORDER

Plaintiff,

v.

**ATECH LOGISTICS, INC.**, a California corporation,

Defendant.

**MOSMAN, J.**,

On July 9, 2020, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 17], recommending that this court GRANT Defendant’s Motion to Dismiss [ECF 7] and dismiss with prejudice Plaintiff’s first and second claims for relief and his declaratory judgment claims, as they relate to the dismissed claims. No response was filed. Upon review, I agree with Judge Beckerman, and I GRANT the Motion to Dismiss.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### **CONCLUSION**

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [17]. I GRANT Defendant's Motion to Dismiss [7]. Plaintiff's first and second claims for relief, as well as his related declaratory judgment claims, are DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 30th day of July, 2020.

Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Judge